

FILED

2013 APR 19 AM 8:24

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

U.S. BANKRUPTCY COURT
MIDDLE DISTRICT OF TN.

In re:

Emanuele Raymond Butera and Jennifer Carol Butera
Debtor(s)

Case No. 07-02736-RM3-7
JUDGE: Randal S. Mashburn
Chapter 7

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: May 8, 2013 @9:00 AM
IF RESPONSE IS TIMELY FILED, THE HEARING WILL BE: May 21, 2013 @ 9:00
AM LOCATED IN COURTROOM 1, 701 BROADWAY, NASHVILLE, TENNESSEE

NOTICE OF MOTION TO WITHDRAW UNCLAIMED FUNDS

American Mail & Insert, c/o Dilks and Knopik LLC, Claimant, by and through counsel, Holly W. Schumpert, Attorney at Law, has asked the court for the following relief: an order directing the Clerk to remit to the applicant the sum of \$1,486.52, which was deposited into the Treasury of the United States as unclaimed funds for American Mail & Insert.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before May 8, 2013, you or your attorney must:

1. File with the court your written response or objection explaining your position.
PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE AN ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT:

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615)736-5584. You may also visit the Bankruptcy Court in person at:701 Broadway, 1st Floor, Nashville, T(Monday-Friday, 8:00 A.M.-4:00P.M.).

2. **Your response must state that the deadline for filing responses is May 8, 2013, the date of the scheduled hearing May 21, 2013 and the motion to which you are responding is Motion To Withdraw Unclaimed Funds.**
3. You must serve your response or objection by **electronic service through the Electronic Filing System** described above. You must also mail a copy of your response or objection to:

Asst. U.S. Attorney, Steve Jordan, Esq., 110 9th Avenue South, Suite #A-961, Nashville, TN 37203

U.S. Trustee, 701 Broadway, Customs House, Suite #318, Nashville, TN 37203

American Mail & Insert, 7104 Crossroads Blvd., Suite 110, Brentwood, TN 37027-2913

John C. McLemore, Attorney for Emanuele Raymond Butera, P.O. Box 158246, Nashville, TN 37215-9848

Emanuele Raymond Butera , 301 Royal Oaks Blvd., Apt. 3108, Franklin, TN 37067 (last known Address)

Jennifer Carol Butera, 7061 Nolen Park Cir., Nolensville, TN 37135 (last known address)

Joseph P. Rusnak, Attorney for Jennifer Carol Butera, 315 Deaderick St., Suite 1700, Nashville, TN 37238

Case Trustee, M. Gigandet, 208 Centre St., Pleasant View, TN 37146

Clerk of Court, Attn: Financial Section , Room 200, 2nd Floor, Customs House, 701 Broadway, Nashville, TN 37203

Attorney for movant, Holly Schumpert, 2552 Poplar Avenue, Suite 4F, Memphis, TN 38112

If the response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's Office at (615)736-5584 or viewing the case on the Court's website at::

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief.

Date: April 16, 2013

Respectfully Submitted,

/s/ Holly W. Schumpert
Holly W. Schumpert #15658
2552 Poplar Avenue, Suite 4F
Memphis, TN 38112
(901) 323-9000
holleyschumpert@att.net

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

In re:

Emanuele Raymond Butera and Jennifer Carol Butera
Debtor(s)

Case No. 07-02736-RM3-7
Chapter 7
Judge: Randal S. Mashburn

MOTION TO WITHDRAW UNCLAIMED FUNDS

COMES NOW, American Mail & Insert, c/o Dilks & Knopik, LLC, by and through counsel, Holly W. Schumpert, Attorney at Law, moves this Court for an order directing the Clerk to remit to the applicant the sum of \$1,486.52, which was deposited into the Treasury of the United States as unclaimed funds for American Mail & Insert, Claimant.

Applicant certifies, under penalty of perjury, that:

- (1) Applicant has conducted a reasonable investigation.
- (2) The money on deposit with the Treasury of the United States is owed to Claimants.
- (3) The funds sought have not been paid to Claimants or to any agent on Claimants' behalf.
- (4) Applicant has authority to collect the funds on behalf of the Claimant as evidenced by the attached original Limited Power of Attorney from Claimant or authorized representative of Claimant.
- (5) No other motion is pending the recovery of the same unclaimed funds.
- (6) Applicant has complied fully with requirements of 28 U.S.C. §2042.

Dated: April 16, 2013

Respectfully Submitted,

/s/ Holly W. Schumpert
Holly W. Schumpert #15658
2552 Poplar Avenue, Suite 4F
Memphis, TN 38112
(901) 323-9000
holleyschumpert@att.net

Attachments:

- (1) **Power of Attorney** or other proof if Claimant is represented by an agent or attorney.
- (2) **Proof of identity:** If Applicant is the Claimant and if the Claimant is an individual, a copy of the individual's driver's license or other photo identification.
- (3) **Proof that the funds are owed to Claimant:** Any supporting documentation that proves the claimant is entitled to the funds requested. This can be in the form of a copy of

the proof of claim, the trustee's report of unclaimed funds, or the Order of Distribution.

CERTIFICATE OF SERVICE

I hereby certify that in the 16th day of April, 2013, I caused to be mailed a copy of the foregoing by E-mail, Fax or U.S. Mail, first class, postage pre-paid to:

Asst. U.S. Attorney, Steve Jordan, Esq., 110 9th Avenue South, Suite #A-961, Nashville, TN 37203

U.S. Trustee, 701 Broadway, Customs House, Suite #318, Nashville, TN 37203

American Mail & Insert, 7104 Crossroads Blvd., Suite 110, Brentwood, TN 37027-2913

John C. McLemore, Attorney for Emanuele Raymond Butera, P.O. Box 158246, Nashville, TN 37215-9848

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/s/ Holly W. Schumpert

Holly W. Schumpert #15658
2552 Poplar Avenue, Suite 4F
Memphis, TN 38112
(901) 323-9000
holleyschumpert@att.net

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE

RE: Emanuele Raymond Butera

Case: 07-02736

AUTHORITY TO ACT
Limited Power of Attorney
Limited to one Transaction

Debtor(s)

USED ONLY TO COLLECT FUNDS FROM THE ABOVE REFERENCED CASE

1. American Mail & Insert, Inc. with a tax identification number of 20120988, ("CLIENT"), appoints Dilks & Knopik, LLC ("D&K"), as its lawful attorney in fact for the limited purpose of recovering, receiving and obtaining information pertaining to the outstanding tender of funds in the amount of \$1,486.52 (the "FUNDS"), including the right to collect on CLIENT's behalf any such funds that are held by a governmental agency or authority.
2. CLIENT grants to D&K the authority to do all things legally permissible and reasonably necessary to recover or obtain the FUNDS held by the governmental agency or authority. This limited authority includes the right to receive all communications from the governmental agency or authority and to deposit checks payable to CLIENT for distribution of the FUNDS to CLIENT, less the fee payable to D&K pursuant to and in accordance with its agreement with CLIENT.
3. D&K may not make any expenditure or incur any costs or fees on behalf of CLIENT without CLIENT's prior written consent.
4. This Authority to Act shall become effective on the below signed date and shall expire upon collection of the aforementioned FUNDS. I authorize the use of a photocopy of this Limited Power of Attorney in lieu of the original.

Thomas Otte
Thomas Otte - Partner

12-10-12, 20____
Date

Staple Signatory's Business Card Here

Affix Corporate Seal Below

ACKNOWLEDGMENT

STATE OF Tennessee

COUNTY OF Williamson

On this 10 day of December, 2012, before me, the undersigned Notary Public in and for the said County and State, personally appeared (name) Thomas G. He known to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that (circle one) he/she did so freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

NOTARY PUBLIC [Signature]

Residing at [Address]

My Commission expires 9-23-13

American Mail & Insert, LLC

320 Premier Court Ste 223
Franklin, TN 37067
USA

INVOICE

Invoice Number: 832
Invoice Date: Apr 7, 2006
Page: 1

Voice: 615-778-1669
Fax: 615-5778-1671

Bill To:

Advantage Support Services
105 West Park Dr. Ste 440
Brentwood, TN 37027

Ship to:

Customer ID	Customer PO	Payment Terms	
Advantage Support Se	2nd mailing	Net 30 Days	
Sales Rep ID	Shipping Method	Ship Date	Due Date
	US Mail	4/7/06	5/7/06

Quantity	Item	Description	Unit Price	Amount
3,333.00	Mail	CASS/PAVE, insert, ink jet		
		Subtotal		
		Sales Tax		
		Total Invoice Amount		
		Payment/Credit Applied		
		TOTAL		

Check/Credit Memo No:

Overdue invoices are subject to late charges.



STATE OF TENNESSEE
Tre Hargett, Secretary of State
Division of Business Services
William R. Snodgrass Tower
312 Rosa L. Parks AVE, 6th FL
Nashville, TN 37243-1102

Filing Information

Name: **AMERICAN MAIL & INSERT, INC.**

General Information

SOS Control # : 470881
Filing Type: Corporation For-Profit - Domestic
Filing Date: 06/02/2004 2:41 PM
Status: Active
Duration Term: Perpetual
Formation Locale: TENNESSEE
Date Formed: 06/02/2004
Fiscal Year Close 12

Registered Agent Address

BARBARA IZZO
STE 110
7104 CROSSROADS BLVD
BRENTWOOD, TN 37027-2913

Principal Address

STE 110
7104 CROSSROADS BLVD
BRENTWOOD, TN 37027-2913

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
02/07/2013	2012 Annual Report	7143-2788
06/19/2012	2011 Annual Report	7065-1679
	Principal Address 1 Changed From: 7104 CROSSROADS BLVD SUITE 110 To: 7104 CROSSROADS BLVD	
	Principal Address 2 Changed From: No value To: STE 110	
	Principal Postal Code Changed From: 37027 To: 37027-2913	
06/02/2012	Notice of Determination	A0123-2993
04/26/2011	2010 Annual Report	6884-1635
	Principal Address 1 Changed From: 320 PREMIER COURT To: 7104 Crossroads Blvd Suite 110	
	Principal City Changed From: FRANKLIN To: Brentwood	
	Principal Postal Code Changed From: 370670000 To: 37027	
	Principal County Changed From: No value To: Williamson County	
	Registered Agent Physical Address 1 Changed From: 320 PREMIER CT 5 To: 7104 Crossroads Blvd Suite 110	
	Registered Agent Physical City Changed From: FRANKLIN To: Brentwood	
	Registered Agent Physical Postal Code Changed From: 370670000 To: 37027	
04/26/2011	Reinstatement	6884-1637
	Filing Status Changed From: Inactive - Dissolved (Administrative) To: Active	
	Inactive Date Changed From: 08/17/2009 To: No Value	

Page 1 of 2

Filing Information

Name: **AMERICAN MAIL & INSERT, INC.**

04/26/2011	2008 Annual Report	6884-1631
04/26/2011	2009 Annual Report	6884-1633
08/17/2009	Dissolution/Revocation - Administrative	ROLL 6580
06/03/2009	Notice of Determination	ROLL 6550
04/07/2009	Common Amendment	6513-0488
04/07/2009	Initial Filing	6513-0489
01/23/2008	2007 Annual Report	6189-2664
01/16/2007	2006 Annual Report	5917-0364
	Registered Agent Physical Address Changed	
04/12/2006	2005 Annual Report	5767-2405
	Shares of Stock Changed	
	Principal Address Changed	
04/05/2006	Administrative Amendment	5715-0907
	Mail Address Changed	
05/10/2005	2004 Annual Report	5454-0369
	Principal Address Changed	
06/02/2004	Initial Filing	5146-0990

Active Assumed Names (if any)

Date

Expires

Minutes of the Meeting of Directors
Of
American Mail & Insert

A meeting of the Board of Directors of the corporation was held at:

Date: 1/4/11

Time: 11:00 AM

Place: Logan's Roadhouse

The following persons, constituting a quorum of the Board of Directors, were present

Tom Otte: CEO

Barb Izzo: President

This attendance represents a quorum.


Financial Results

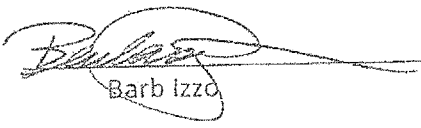
The shareholders in attendance reviewed financial results for fiscal year 2010.

Resolved: Upgrade web site. Hire sales/estimator person. Finishing equipment, fork lift truck. This was agreed upon by the majority rule.

No further business having been brought before the meeting, upon motion duly made, seconded and unanimously approved, the meeting was adjourned.

Dated:
1/4/11


Tom Otte


Barb Izzo

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:
EMANUELE RAYMOND BUTERA and
JENNIFER CAROL BUTERA,
Debtors.

CASE NO. 07-02736-RM3-7
CHAPTER 7
JUDGE Randal S Mashburn

TRUSTEE'S REPORT OF UNCLAIMED FUNDS

Michael Gigandet, Trustee of this bankruptcy estate, reports the following:

1. Ninety days have passed since final distribution was made in this case pursuant to 11 U.S.C. § 726. The Trustee has stopped payment on all checks remaining unpaid. The names of the individuals or entities to whom such un-negotiated distribution checks were issued, the amount of such checks, and the last known address of the payees are:

Name and Address, Claim # and
Amount

IFC Credit Corp.
Attn: David Stone
8700 Waukegan Rd, Ste 100
Morton Grove, IL 60053
Claim # 30
Amount: \$1,522.84

American Mail & Insert
320 Premier Court, Ste 223
Franklin, TN 37067
Claim # 27
\$1,486.52

Design Works
1226 10th Ave.
Columbus, GA 31901
Claim # 29
Amount: \$679.45

Stove House 5
3414 Governors Dr.
Huntsville, AL 35805
Claim # 20
Amount: \$150.02

Fitness Expectations, LLC
16427 N. Scottsdale Rd, Ste 210
Scottsdale, AZ 85254

Claim # 47
Amount: \$22,596.98

2. The Trustee's check for \$26,435.81 payable to the Clerk of the U.S. Bankruptcy Court, is attached to this report.

Respectfully submitted,

LAW OFFICE OF MICHAEL GIGANDET

/s/ Michael Gigandet

Michael Gigandet, Trustee #11498
208 Centre Street
Pleasant View, TN 37146
615-746-4949
Fax: 615-746-4949
Mgigandet@mgigandetlaw.com

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:
Emanuele Raymond Butera and Jennifer Carol Butera
Debtor(s)

Case No. 07-02736-RM3-7
Chapter 7
Judge: Randal S. Mashburn

ORDER RE: MOTION SEEKING UNCLAIMED FUNDS

In this case the instant matter before the court arises out of a motion filed by movant-claimant, American Mail & Insert, c/o Dilks & Knopik, LLC, ("Movants"), who asserts entitlement to certain monies previously paid to the court registry fund in accordance with the statutory procedures established in 11 U.S.C. § 347. See also 28 U.S.C. §§ 2041 and 2042 and the September 9, 1996 Memorandum of the Administrative Office of the United States Courts regarding "Unclaimed Monies in Bankruptcy Cases."

After notice and opportunity for a hearing and based on the case record as a whole, the court grants this motion, as it is satisfied that the movant is entitled to receive unclaimed funds in the amount of **\$1,486.52**.

IT IS SO ORDERED THAT:

1. The movants' motion is hereby granted.
2. The Bankruptcy Court Clerk is hereby authorized to make payments to movant, American Mail & Insert, c/o Dilks & Knopik, LLC and mail to Holly Schumpert, Attorney at Law, 2552 Poplar Avenue, Suite 4F, Memphis, TN 38112 in accordance with the foregoing.

###

APPROVED:

/s/ Holly W. Schumpert

Holly W. Schumpert #15658

Attorney for Debtor

2552 Poplar Avenue, Suite 4F

Memphis, TN 38112

(901) 323-9000

holleyschumpert@att.net

cc:

Asst. U.S. Attorney, Steve Jordan, Esq., 110 9th Avenue South, Suite #A-961, Nashville,
TN 37203

U.S. Trustee, 701 Broadway, Customs House, Suite #318, Nashville, TN 37203

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Nashville, TN 37238

Case Trustee, M. Gigandet, 208 Centre St., Pleasant View, TN 37146

Clerk of Court, Attn: Financial Section , Room 200, 2nd Floor, Customs House, 701
Broadway, Nashville, TN 37203

Attorney for movant, Holly Schumpert, 2552 Poplar Avenue, Suite 4F, Memphis, TN
38112

This Order was signed and entered electronically as indicated at the top of the first page.